

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: VERIZON-RHODE ISLAND'S :
PERFORMANCE ASSURANCE PLAN : DOCKET NO. 3256

ORDER

On February 12, 2003, Verizon-Rhode Island ("VZ-RI") filed with the Rhode Island Public Utilities Commission ("Commission") the Rhode Island Performance Assurance Plan ("PAP") based on the modifications to the PAP ordered by the New York Public Service Commission ("NYPSC") in its January 23, 2003 order. On April 22, 2003, the Division of Public Utilities and Carriers ("Division") filed a memorandum recommending approval of VZ-RI's February 12, 2003 revisions to the PAP.

On June 20, 2003, the Commission conducted a technical conference to review VZ-RI's February 12, 2003 revisions to the PAP and to determine if any additional modifications should be made to the PAP. VZ-RI presented Mr. Louis Aggro as its witness. Mr. Aggro discussed structural changes to the PAP as a result of the NYPSC order. The NYPSC eliminated EDI Measures from Special Provisions and split the measures for mode of entry ("MOE") from one section to separate sections for UNE-Platform and UNE-Loop. Mr. Aggro explained that UNE-Platform has been given greater weight than UNE-Loop. The dollars at risk for UNE-Platform are approximately four to one over UNE-Loop in the revised New York PAP. However, Mr. Aggro indicated that in the Rhode Island market, the UNE-Loop mode of entry is twice as prevalent as UNE-Platform. Consequently, VZ-RI made a proposal that would reallocate the weight and dollars at risk of UNE Loop to be twice as great as UNE-Platform in MOE and Critical Measures. Also, Mr. Aggro indicated that VZ-RI would have no

objection to the deletion of the MR-2-02 metrics from Critical Measures and the transfer of PR-6-01 to Critical Measure 3.

Various CLECs filed comments regarding the revisions to PAP filed by VZ-RI and regarding the need for additional modifications. Cox proposed adding directory listing metric OR-6-04 to the PAP. Also, Cox proposed the creation of two new metrics to the PAP relating to local number portability (“LNP”) troubles reported and mean time to repair LNP troubles. AT&T opposed the adoption of footnote 21 because VZ-RI had not provided Structured Query Language (“SQL”) algorithms to the Commission and CLECs. Also, AT&T opposed the adoption of footnote 6 of Appendix E because VZ-RI made additional changes to the average delay and percentage missed appointment measures. MCI indicated that it did not oppose the reallocation of MOE funds towards UNE-Loop instead of UNE-Platform as long as the Commission would entertain requests to reallocate the dollars again if the competitive landscape changes. Also, MCI opposed a reallocation of funds in Critical Measures towards UNE-Loop instead of UNE-Platform.

In its response, VZ-RI opposed Cox’s proposal to add new metrics to the PAP. VZ-RI indicated that the proposed PAP metrics that are not necessary to address significant or widespread service problems, would place an administrative burden on VZ-RI, and would thus penalize VZ-RI for the conduct of others. Also, VZ-RI indicated that on July 24, 2003, it provided metric algorithms to the NYPSC and will make them available to CLECs in the Carrier Working Group. Also, VZ-RI asserted that footnote 6 of Appendix E of the revised Rhode Island PAP is identical to the New York PAP. In

addition, VZ-RI argued that Critical Measures should be reallocated in the same manner as MOE.

At an August 1, 2003 open meeting, the Commission reviewed the evidence and the arguments. The Commission adopted, on an interim basis, for effect October 1, 2003, the revised PAP filed by VZ-RI on February 12, 2003 with the following modification: reallocation from UNE-Platform to UNE-Loop for MOE and Critical Measures as provided to the Commission at the June 20, 2003 technical conference. This approach balances the benefit of establishing uniformity throughout VZ's service territory with the reallocation of the funds in MOE and Critical Measures to better reflect the Rhode Island competitive market. However, the Commission will provide a technical conference or hearing to Cox or AT&T if they would like to pursue the issues raised in their comments.

On August 18, 2003, VZ-RI suggested two additional changes to the PAP that it filed on February 12, 2003. First, VZ-RI requested that the two MR-2-02 metrics relating to trouble reports for two-wire digital and DSL lines be deleted from the PAP. VZ-RI indicated that these metrics were eliminated by NYPSC because these trouble reports were not solely within the control of VZ and would affect VZ and CLECs equally. Second, VZ-RI requested shifting the PR-6-01 to Critical Measure 3 because it would be the only metric in Critical Measure 13 and the NYPSC had included this metric in Critical Measure 3. No objection was received. At an open meeting on August 22, 2003, the Commission approved VZ-RI's request on an interim basis for effect October 1, 2003. VZ-RI's request is of a minor nature and will further the principal of uniformity in VZ's service territory without causing any detriment to the Rhode Island competitive market.

Accordingly, it is

(17551) ORDERED:

1. The revised Performance Assurance Plan filed by Verizon-Rhode Island on February 12, 2003, as modified by the reallocation of weight and dollars at risk between UNE Platform and UNE-Loop in Mode of Entry and Critical Measures, as submitted to the Commission on June 20, 2003 is adopted on an interim basis, effective October 1, 2003.
2. The revised Performance Assurance Plan filed by Verizon-Rhode Island on February 12, 2003, as modified by Verizon-Rhode Island's request of August 18, 2003, for the deletion of the two MR-2-02 metrics and the transfer of the metric PR-6-01 to Critical Measure 3 is adopted on an interim basis, effective October 1, 2003.

EFFECTIVE AT WARWICK, RHODE ISLAND ON OCTOBER 1, 2003
PURSUANT TO OPEN MEETING DECISIONS ON AUGUST 1, 2003 AND AUGUST
22, 2003. WRITTEN ORDER ISSUED SEPTEMBER 2, 2003.

PUBLIC UTILITIES COMMISSION

Elia Germani, Chairman

Kate F. Racine, Commissioner

Robert B. Holbrook, Commissioner